

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY**  
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**DATE FILED** SEP 04 2013

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BHUSHAN ATHALE, et al., Individually and  
on Behalf of All Others Similarly Situated,

Plaintiffs,

vs.

SINOTECH ENERGY LIMITED, et al.,

Defendants.  
\_\_\_\_\_

X

: Civil Action No. 1:11-cv-05831-AJN  
: (Consolidated)

:  
: CLASS ACTION

:  
: ~~PROPOSED~~ ORDER AWARDING  
: ATTORNEYS' FEES AND EXPENSES

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This matter having come before the Court on August 29, 2013, on the motion of Lead Plaintiff's counsel for an award of attorneys' fees and expenses in the litigation, the Court, having considered all papers filed and proceedings conducted herein, having found the settlement of this Action to be fair, reasonable and adequate, and otherwise being fully informed in the premises and good cause appearing therefore;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Order incorporates by reference the definitions in the Settlement Agreement dated March 22, 2013 (the "Stipulation") and all capitalized terms used, but not defined herein, shall have the same meanings as set forth in the Stipulation.

2. This Court has jurisdiction over the subject matter of this application and all matters relating thereto, including all members of the Class who have not timely and validly requested exclusion.

3. The Court hereby awards Lead Counsel attorneys' fees of <sup>20%</sup>~~25%~~ of the Settlement Fund, plus expenses in the amount of \$55,454.63, together with the interest earned on both amounts for the same time period and at the same rate as that earned on the Settlement Fund until paid. The Court finds that the amount of fees awarded is appropriate and that the amount of fees awarded is fair and reasonable under the "percentage-of-recovery" method.

4. The fees and expenses shall be allocated among Plaintiffs' Counsel in a manner which, in Lead Counsel's good-faith judgment, reflects each such counsel's contribution to the institution, prosecution, and resolution of the litigation.

5. The awarded attorneys' fees and expenses and interest earned thereon, shall immediately be paid to Lead Counsel subject to the terms, conditions, and obligations of the

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Stipulation, and in particular ¶7.2 thereof, which terms, conditions, and obligations are incorporated herein.

6. The Court has considered the objection to the fee award filed by Class Member Mark S. Litwin, ~~and finds it to be without merit. The objection is therefore overruled in its entirety.~~ *as discussed in the Court's Memorandum and Order.* •

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IT IS SO ORDERED.

DATED: \_\_\_\_\_

*9/4/13*

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\_\_\_\_\_  
THE HONORABLE ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE